

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PETER STROJNIK,

Plaintiff,

v.

SWANTOWN INN & SPA LLC,

Defendant.

CASE NO. C18-1831 RBL

ORDER

THIS MATTER is before the Court on *pro se* Plaintiff Strojnik's Motion to Strike [Dkt. # 8] Defendant's "Response" [Dkt. # 6] to his Complaint [Dkt. # 1], and on the Court's own motion.

Strojnik sued the Swanton Inn LLC (a bed and breakfast in Olympia) for what he claims are violations of the Americans with Disabilities Act. His complaint<sup>1</sup> alleges that he is disabled, and that he was dissuaded from visiting the Swanton Inn because the description and pictures he


---

<sup>1</sup> The complaint is a virtual copy of the one Strojnik filed in *Stronjk v Geiger Victorian, Inc.*, Cause No. 18-cv-5912RBL. The Court takes judicial notice of the fact that Strojnik is Phoenix-based attorney who was indefinitely suspended from practice for filing ~2000 "cut and paste" "frivolous" ADA lawsuits. *See* <https://www.azbar.org/newsevents/newsreleases/2018/07/interimsuspension-peterstrojnik/>.

1 saw on the internet (on Hotels.com) failed to demonstrate to him that the Inn was ADA  
2 compliant:

3 **ADA VIOLATIONS**  
4 **3<sup>RD</sup> PARTY BOOKING WEBSITE - HOTELS.COM**

5 **Swantown Inn & Spa**  
1431 11th Avenue SE, Olympia, WA, 98501, United States, 888-573-4255

6  **3.5-star**  
Olympia  
• 3.3 miles to City center  
• 20 miles to Hood Canal  
Collect nights

7 **Superb 9.2**  
10 Hotels.com guest reviews  
141 reviews

8 **Your Secret Price**  
We have 1 left at **\$469 \$152**  
**Choose Room**

9

10 **ADA Deficiency:** Failure to identify and describe accessible features in the hotel and guest rooms in enough detail to reasonably permit Plaintiff to assess independently whether the hotel or guest room meets his accessibility needs.

12 Main amenities	13 Feel at home
✓ 4 smoke-free guestrooms	✓ Iron/ironing board
✓ Spa services	✓ Hair dryer
✓ Coffee/tea in a common area	✓ Bathrobes
✓ Computer station	✓ Free self parking
✓ Lobby fireplace	
✓ Wedding services	
✓ TV in a common area	
✓ Free WiFi and free parking	

17 **ADA Deficiency:** Failure to identify and describe accessible features in the hotel and guest rooms in enough detail to reasonably permit Plaintiff to assess independently whether the hotel or guest room meets his accessibility needs.

19 [Dkt. # 1-1]. Based on these ADA violations, Stronjik seeks injunctive relief,  
20 compensatory damages, punitive damages, costs and, despite the fact is he proceeding *pro se*,  
21 attorneys' fees. [Dkt. # 1].

22 Nathan and Casey Allan's "Response" claims they own and live at the Inn, and that it is  
23 exempt from the ADA because it has only five rooms. They also explain that one of the rooms is  
24

1 ADA complaint, except for grab bars in the bathroom. They demonstrate that this information is  
2 on their own website, Swanntowninn.com.

3 Strojnuk moves to strike the Response because the Allans are not attorneys and they  
4 cannot represent their LLC *pro se* in this Court.

5 Representing another person or entity in court is the practice of law. To practice law, one  
6 must be an attorney. RCW 2.48.170. Thus Washington, like all federal courts, follows the  
7 common law rule that corporations appearing in court proceedings must be represented by an  
8 attorney. There is a *pro se* exception to this general rule, under which a person “may appear and  
9 act in any court as his own attorney without threat of sanction for unauthorized practice.” The  
10 *pro se* exception is, however, extremely limited and applies “only if the layperson is acting solely  
11 on his own behalf” with respect to his own legal rights and obligations. *Cottringer v. State, Dep’t*  
12 *of Employment Sec.*, 162 Wash. App. 782, 787–88, 257 P.3d 667, 669 (2011).

13 The Court will not strike the Response but the Swanton Inn LLC must obtain an attorney  
14 to represent it in this Court. The Motion to Strike is **DENIED**. Swantown Inn’s obligations to  
15 respond to the complaint or participate in the formulation of a discovery plan is **STAYED** for 90  
16 days for it to do so.

17 In the meantime, Plaintiff Stronjik is **ORDERED TO SHOW CAUSE** in writing why  
18 this case should not be dismissed as frivolous. At a minimum, Stronjik’s Response should  
19 address the following:

20 • Describe and document any reasonable inquiry into the complaint’s factual  
21 allegations and claims, consistent with Stronjik’s obligations under Fed. R. Civ. P. 11(b)(1), (2),  
22 and (3).  
23  
24

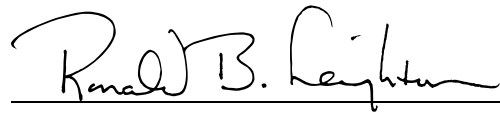
1 • Stronjik's standing to assert these claims, including his disability and any injury  
2 in fact.

3 • The propriety of any sanctions if the Court concludes that the matter is frivolous  
4 or violates Rule 11.

5 Stronjik's Response to the Order to Show Cause should be filed and served within 15  
6 days of this Order.

7 IT IS SO ORDERED.

8 Dated this 20<sup>th</sup> day of February, 2019.

9  
10 

11 Ronald B. Leighton  
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24